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11 *Attorneys for Plaintiff, The Bank of New York Mellon f/k/a The Bank of New York as successor to*  
12 *JPMorgan Chase Bank, not individually but solely as trustee for the holders of the Bear Stearns*  
13 *ALT-A Trust 2004-11, Mortgage Pass-Through Certificates, Series 2004-11*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON  
12 F/K/A THE BANK OF NEW YORK AS  
13 SUCCESSOR TO JP MORGAN CHASE  
14 BANK, NOT INDIVIDUALLY BUT  
15 SOLELY AS TRUSTEE FOR THE HOLDER  
16 OF THE BEAR STEARNS ALT-A TRUST  
17 2004-11, MORTGAGE PASS-THROUGH  
18 CERTIFICATES, SERIES 2004-11,

19 Plaintiff,

20 vs.

21 STEWART INFORMATION SERVICES,  
22 CORP.; STEWART TITLE GUARANTY  
23 COMPANY; DOE INDIVIDUALS I through  
24 X; and ROE CORPORATIONS XI through  
25 XX, inclusive,

26 Defendants.

Case No.: 2:21-cv-01492-RFB-DJA

**STIPULATION TO CONTINUE  
DEADLINE TO SUBMIT PROPOSED  
SCHEDULING ORDER**

27 Plaintiff Bank of New York Mellon f/k/a The Bank of New York as successor to  
28 JPMorgan Chase Bank, not individually but solely as trustee for the holders of the Bear Stearns  
ALT-A Trust 2004-11, Mortgage Pass-Through Certificates, Series 2004-11 (“BNYM”) and  
Defendants Stewart Information Services Corp. (“SISC”) and Stewart Title Guaranty Company  
 (“STGC”) (SISC and STGC, collectively, “Defendants” and with BNYM, the Parties”), by and

1 through their undersigned counsel, stipulate and agree as follows, subject to the approval of the  
2 Court:

3 This is a title insurance coverage disputes pending in this district following an HOA  
4 foreclosure sale. Defendants removed this matter from Nevada state court [ECF No. 1]. BNYM  
5 has moved to remand this case [ECF No. 17] and Defendants filed their opposition [ECF No. 24].  
6 BNYM's response is due October 1, 2021.

7 On September 1, 2021, STGC moved to stay this case until an appeal in a different title  
8 insurance dispute is resolved, *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, Ninth  
9 Cir. Case No. 19-17332 (Dist. Ct. Case No. 3:19-cv-00241-MMD-WGC) ("*Wells Fargo II*").  
10 [ECF No. 9]. BNYM opposed the motion to stay [ECF No. 21]. The motion to stay is now fully  
11 briefed and waiting for adjudication. The *Wells Fargo II* appeal is scheduled to be heard on  
12 October 20, 2021.

13 The proposed scheduling order is due October 1, 2021. Defendants have asked that  
14 BNYM agree to abstain from any discovery in this matter until the Motion to Stay is resolved.  
15 Although BNYM opposes a stay, in an effort to compromise BNYM has agreed to abstain from  
16 discovery at least until the *Wells Fargo II* appeal is heard. If the Motion to Stay remains  
17 unresolved at that time, the parties will meet and confer to discuss next steps, including whether  
18 the case should proceed. In order to achieve this, the parties stipulate and agree that the deadline  
19 to submit a proposed scheduling order should be continued by 45 days until November 15, 2021.

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1 By entering into this stipulation, none of the Parties is waiving its right to subsequently  
2 move the Court for any relief if they are unable to reach consensus by November 15, 2021, or  
3 should other circumstances arise that merit appropriate relief.

4 **IT IS SO STIPULATED.**

5 DATED this 30<sup>th</sup> day of September, 2021.

DATED this 30<sup>th</sup> day of September, 2021.

6 WRIGHT, FINLAY & ZAK, LLP

MAURICE WOOD

7 /s/ Darren T. Brenner

/s/ Brittany Wood

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12 *Mellon f/k/a The Bank of New York as*  
13 *successor to JPMorgan Chase Bank, not*  
14 *individually but solely as trustee for the*  
15 *holders of the Bear Stearns ALT-A Trust*  
*2004-11, Mortgage Pass-Through*  
*Certificates, Series 2004-11*

*Attorneys for Defendants, Stewart*  
*Information Services Corp., and Stewart*  
*Title Guaranty Company*

16 **IT IS SO ORDERED.**

17 Dated this 4<sup>th</sup> day of October, 2021.



19 DANIEL J. ALBRECHTS

20 UNITED STATES MAGISTRATE JUDGE